

USSN 09/538,562

Page 8 of 11

**REMARKS**

Claims 1-26 are pending, of which claims 16-26 are withdrawn. By this response, Applicants have amended independent claim 1. Support for the amendment may be found in the Applicants' specification on at least page 15, lines 4-15. Applicants traverse all of the rejections in the Office Action and respectfully request reconsideration and passage of the claims to allowance for the following reasons.

**REJECTION OF CLAIMS 1-15 UNDER 35 U.S.C. § 103**

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. WO 98/31115 (Gordon) in view of Coleman et al. U.S. Patent 5,844,620 (Coleman).

Gordon teaches a system for interactively distributing information services. The system uses three independent communications channels to facilitate distribution and interactive control of the information distribution process. (See Gordon, p. 3, ll. 4-19). A program selection request is propagated through the back channel to the service provider and the service provider then sends the program through the information channel for display on the subscriber equipment. (See *Id.*).

Coleman teaches a method and apparatus for displaying an interactive television program guide. Coleman teaches the use of a trickle stream and demand stream for current IPG pages and future IPG pages. (See Coleman, col. 6, ll. 30-48).

The Applicants respectfully submit that Gordon and Coleman, alone or in any permissible combination, fail to teach or suggest a transport stream generator including a processor and a multiplexer, the transport stream generator for receiving demand-cast guide page usage information from the session manager, for using said information to determine if there is a demand-cast guide page currently in a demand-cast stream that is not currently being accessed and controlling which demand-cast guide pages of said array of guide pages are inserted into the demand-cast stream to replace the demand-cast guide page not

USSN 09/538,562

Page 9 of 11

currently being accessed, as positively recited by Applicants' independent claim

1. Specifically, independent claim 1 positively recites:

1. A system for providing access to an array of guide pages from an interactive program guide within constraints imposed by limited bandwidth available in a distribution network, the system comprising:  
a distribution control center coupled to the distribution network;  
a session manager in the distribution control center for monitoring and controlling usage of demand-cast stream bandwidth within the distribution network; and  
a transport stream generator including a processor and a multiplexer, the transport stream generator for receiving demand-cast guide page usage information from the session manager, for using said information to determine if there is a demand-cast guide page currently in a demand-cast stream that is not currently being accessed and controlling which demand-cast guide pages of said array of guide pages are inserted into the demand-cast stream to replace the demand-cast guide page not currently being accessed, which are then multiplexed into a transport stream, and for generating the multiplexed transport stream for transmission to a plurality of terminals via the distribution network to deliver a requested demand-cast guide page to a terminal requesting said requested demand-cast guide page. (Emphasis added).

In one embodiment, Applicants' invention provides a system comprising a transport stream generator including a processor and a multiplexer, the transport stream generator for receiving demand-cast guide page usage information from the session manager, for using said information to determine if there is a demand-cast guide page currently in a demand-cast stream that is not currently being accessed and controlling which demand-cast guide pages of said array of guide pages are inserted into the demand-cast stream to replace the demand-cast guide page not currently being accessed. For example, the Applicants' advantageously requires a demand cast page only be inserted once and accessed by multiple users if it is susceptible to intensive access, thereby conserving bandwidth. (See e.g. Applicants' specification, p. 15, ll. 15-18). However, to do this the Applicants' invention first ensures that there is a demand cast page that is currently not being accessed. If no slot is available, then the head end may refuse to insert the requested demand cast page. (See *Id.* at ll. 4-15).

625224-1

USSN 09/538,562

Page 10 of 11

In contrast, Gordon at best discloses that a user accesses an on-screen browser for finding movie information and prices. (See Gordon, p. 9, ll. 15-25). Subsequently, a movie is selected by the user and the selected movie is delivered. (See *Id.* at ll. 26-34). Notably, Gordon does not teach or suggest that a terminal requests or is delivered a requested demand-cast guide page.

The Examiner asserts that provisional application 60/034,490 discloses the use of an array of guide pages. However, the Applicants are unable to obtain a copy of the provisional application and respectfully request the Examiner to provide a copy of provisional application 60/034,490 so that the Applicants may verify such assertion.

Regardless, assuming such assertion is accurate, Gordon still fails to teach or suggest a transport stream generator including a processor and a multiplexer, the transport stream generator for receiving demand-cast guide page usage information from the session manager, for using said information to determine if there is a demand-cast guide page currently in a demand-cast stream that is not currently being accessed and controlling which demand-cast guide pages of said array of guide pages are inserted into the demand-cast stream to replace the demand-cast guide page not currently being accessed, as claimed by the Applicants' invention.

Furthermore, Coleman fails to bridge the substantial gap left by Gordon. Coleman teaches the use of a separate high speed data stream for the demand stream. (See Coleman, col. 7, ll. 29-48). In contrast, the Applicants' invention utilizes limited bandwidth of a single transport stream for both broadcast and demand cast pages to transport both broadcast and demand cast pages to multiple set top terminals. As a result, the Applicants' invention uses information from a session manager to determine if there is a demand-cast guide page currently in a demand-cast stream that is not currently being accessed and controlling which demand-cast guide pages of said array of guide pages are inserted into the demand-cast stream to replace the demand-cast guide page not currently being accessed. Due to the fact a user in Coleman may utilize the separate high speed data stream for demand IPG pages, Coleman does not teach or suggest a transport stream generator including a processor and a

625224-1

USSN 09/538,562

Page 11 of 11

multiplexer, the transport stream generator for receiving demand-cast guide page usage information from the session manager, for using said information to determine if there is a demand-cast guide page currently in a demand-cast stream that is not currently being accessed and controlling which demand-cast guide pages of said array of guide pages are inserted into the demand-cast stream to replace the demand-cast guide page not currently being accessed.

Therefore, the Applicants respectfully submit that claim 1 is patentable over Gordon in view of Coleman under §103. Claims 2-15 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1, while adding additional elements and further defining elements. Therefore, claims 2-15 are also patentable over Gordon in view of Coleman under §103 for at least the reasons given above with respect to claim 1.

### CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and passage of the claims to allowance. If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

12/31/07



Eamon J. Wall, Attorney  
Reg. No. 39,414  
(732) 530-9404

Patterson & Sheridan, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702

625224-1